

PETITION FOR SPECIAL RELIEF FOR CUSTODY (Beaver County)

Special Relief is another motion requesting relief that is not available through the normal Custody Complaint, Petition to Modify or Petition for Contempt. ***Any non-emergency motion that is presented without complying with the three (3) day notice requirement will be rejected.***

IN ADDITION TO THE SPECIAL RELIEF PETITION, IT MAY BE NECESSARY TO FILE ---

- a custody complaint if you **DO NOT** have an existing Custody order
- a modification petition if you **DO** have an existing Custody order

Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are either not qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.

LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY. If you need an attorney, you may contact Beaver County Bar Association's Lawyer Referral Service at 724-728-4888 at a reduced rate for the initial consultation.

SUMMARY OF STEPS

Before you go to Court:

1. Complete the forms in **ink**, not pencil. Incomplete forms will be refused. You **must** attach your current Custody Order.
2. If you have not completed the required Educational Seminar, you *may* not be able to take action on your case until doing so. Please verify that a copy of your certificate of completion is on file in the Prothonotary's Office if you have completed the class.
3. When filling out the forms parties must be identified as Plaintiff or Defendant as they are listed on the original custody Complaint, regardless of who is filing the Petition.
4. Photocopy all of the forms (*except the Proof of Service and Acceptance of Service*).
5. **SERVE** the other party a copy of all of the forms along with the Notice of Intention to Present at **least three days before** you present the Petition to the Judge. **If the other party has an attorney, you must serve the attorney.**
 - a. The date you write on this form is the day you plan to present the documents to the Court. It must be at least 3 business days away and must be a Tuesday or a Thursday.
 - b. Directions on how to serve the other party are attached and are strictly followed. (Rule 440).
6. **IN ADDITION TO THE SPECIAL RELIEF PETITION, YOU MUST ALSO FILE ---**
 - a custody complaint if you **DO NOT** have an existing Custody order
 - a modification petition if you **DO** have an existing Custody order
7. Notice to incarcerated parent- If the other parent is presently **incarcerated**, ask library staff for this form and include it with the Petition.
8. Your forms **must** be in **numerical order** when you go to court.
9. If you are representing yourself, you need to complete an Entry of Appearance as a Self-Represented Party form.

In Court:

10. Take **completed** forms to Motions Court, Courtroom #4, Second Floor of the Courthouse, **no later than 8:45 a.m. any Tuesday or Thursday** and check in with the tip staff. Late motions will not be heard.
11. A law clerk will review your paperwork for proper completion.
12. The Judge will review the petition, hear testimony, and issue an Order or assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you to file in the Prothonotary's office.

After you leave the Courtroom:

13. **File** the papers in the Prothonotary's Office (1st floor). There will be a filing fee.
14. **Serve** the other party with the Order signed by the Judge if the other party is not present. Service is made pursuant to Pa.R.C.P. No. 440, which is attached.
15. **File** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done if the other party was not present at the proceeding. **MAKE AND KEEP A COPY FOR YOURSELF.**
16. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to **ALL** later hearings, conferences and/or trials.

IMPORTANT INFORMATION

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral notice.

Notice of Language Rights

Language Access Coordinator
Beaver County Courthouse, 810 Third Street, Beaver, PA, 15009
724-770-4770
languageaccess@beavercountypa.gov

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information contained in this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

ASL interpreters are also available upon request.



Protecting Confidential Information - Here's How

Effective January 6, 2018

A certification shall accompany each filing in accordance with the policy. A court or custodian is not required to review or redact any filed document for compliance with this policy. Failure to comply may lead to imposed sanctions.

Confidential Information

Unless required by applicable authority, two versions of every document must be filed with the court - a "Redacted Version" (not including the items listed below) and an "Unredacted Version." Redactions must be made in a manner that is visibly evident to the reader.

1. Social Security Numbers

2. Financial Account Numbers except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified

3. Driver License Numbers

4. State Identification (SID) Numbers

5. Minors' Names and Dates of Birth except when a minor is charged as defendant in a criminal matter (see 42 Pa.C.S. §6355)

6. Abuse Victim's Address and other Contact Information including employer's name, address, and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name

Confidential Documents

Unless required by applicable authority, the following documents shall be filed with a court or custodian with the "Confidential Document Form."

1. Financial Source Documents

2. Minors' Educational Records

3. Medical/Psychological Records

4. Children and Youth Services' Records

5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33

6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)

7. Agreements between the Parties as used in 23 Pa.C.S. §3105

These requirements do not apply to case types (e.g. juvenile, adoption) that are sealed or exempted from public access pursuant to applicable authority.

For forms and more information, reference the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts at the website below.



Please visit: <http://www.pacourts.us/public-record-policies>

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
	:	
Defendant.	:	

NOTICE OF INTENTION TO PRESENT

TO: _____

(name & address of the other party)

Please take notice that I intend to present the attached Motion/Petitions on (date)_____ at 8:45 a.m., in Courtroom No. 4, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

Date _____

Plaintiff/ Defendant

CERTIFICATION OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

	regular mail
	certified mail
	hand delivery

Plaintiff/ Defendant

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action – Law
	:	
vs.	:	Type of Pleading:
	:	Petition for Special Relief
	:	
_____	:	Filed on behalf of:
Defendant.	:	

		(Your Name)
		Filing Party's Information:(Your Name)
		Name:_____
		Address: _____

		Telephone #: _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Plaintiff,	:	
	:	
vs.	:	No.
	:	
	:	
Defendant.	:	

SPECIAL RELIEF PETITION FOR CUSTODY

1. Plaintiff/ Defendant is _____, and is the (circle one) mother/father of the child(ren) (names of children): _____. Plaintiff/ Defendant is the (circle one) plaintiff/defendant in this case; Plaintiff/Defendant currently resides at (give full address): _____, Pennsylvania.

2. Plaintiff/ Defendant is _____, and is the (circle one) mother/father of the child(ren) (names of children): _____. Plaintiff/ Defendant is the (circle one) plaintiff/defendant in the above-captioned matter; Plaintiff/Defendant currently resides at (give full address): _____, Pennsylvania.

3. The child(ren):

(a) name _____ age _____, presently resides with _____ at (give full address): _____, Pennsylvania.

(b) name _____ age _____, presently resides with _____ at (give full address): _____, Pennsylvania.

(c) name _____ age _____, presently resides with
_____ at (give full address): _____
_____, Pennsylvania.

4. Date of Existing Custody Order: _____.

5. Special Relief is necessary because:

(Tell exactly what happened, why special relief should be granted & what special relief you want the Court to grant)

WHEREFORE, Plaintiff/Defendant respectfully requests this Court grant the Special Relief requested.

Plaintiff/ Defendant's Signature

I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)

VERIFICATION

I, _____, verify that the statements made in this Petition Special Relief are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Plaintiff/ Defendant

Date: _____

INSERT
CURRENT
CUSTODY
ORDER
HERE

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

PROOF OF SERVICE

I _____ (*your name*), hereby certify that I delivered a copy of the
(*name of document*) _____ to
_____ (*name of party*) on _____ (*date*),
at _____ o'clock p.m./a.m. Delivery was made by (check all that apply):

_____ regular mail
_____ certified mail
_____ hand delivery

DATE

Plaintiff/ Defendant

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ACCEPTANCE OF SERVICE

I accept service of the _____ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

DATE

PLAINTIFF/DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Note: If Plaintiff/ Defendant accepts service personally, the second sentence should be deleted.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
CIVIL – LAW

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the
Petition for Special Relief filed by the _____, it is hereby

ORDERED and DECREED as follows: (Judge will list relief granted in this space):

BY THE COURT,

JUDGE

CERTIFICATE OF COMPLIANCE

RE: ACCESS TO COURT CASE RECORDS

CASE NO._____

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:_____

Signature:_____

Name:_____

Attorney No. (if applicable):_____

Rev. 02/22/18

PLAINTIFF

vs.

IN THE COURT OF COMMON PLEAS
BEAVER COUNTY, PENNSYLVANIA

NO. _____

DEFENDANT

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I am the ☐ Plaintiff ☐ Defendant in the above-captioned **(MARK ONE)** ☐ custody, ☐ divorce, ☐ support, ☐ protection from abuse, ☐ paternity case.

2. ☐ This **(CIRCLE ONE)** is/is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

☐ This is **NOT** a new case and _____ previously
(Name of Attorney)
represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

OR (check only one box)

☐ I am entering my appearance as a self-represented party (sign) _____

☐ I am withdrawing my appearance as attorney in this case (attorney signature) _____

3. My address for the purpose of receiving all future pleadings and other legal notices is: _____

_____. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

☐ This is my home address. ☐ This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:30 a.m. – 4:30 p.m. Monday – Friday) is _____. My email address is _____

☐ My telephone number is confidential pursuant to a Protection From Abuse Order.

5. **I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.**

6. I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

Date _____

Signature (Your Signature) _____

Pa.R.C.P. No. 440

Rule 440. Service of Legal Papers other than Original Process

- (a)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made:
- (i) by handing or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, or at such other address as a party may agree, or
 - (ii) by transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d).
- (2)(i) If there is no attorney of record, service shall be made by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party, or by transmitting a copy by facsimile as provided by subdivision (d).
- (ii) If such service cannot be made, service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.
- (b) Service by mail of legal papers other than original process is complete upon mailing.
- (c) If service of legal papers other than original process is to be made by the sheriff, he shall notify by ordinary mail the party requesting service to be made that service has or has not been made upon a named party or person.
- (d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.
- (2) The copy served shall begin with a facsimile cover sheet containing (i) the name, firm, address, telephone number, of both the party making service and the party served, (ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted, (iii) the title of the legal paper served and (iv) the number of pages transmitted.
- (3) Service is complete when transmission is confirmed as complete.